

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>DERRICK A. RANKINE,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 03-0313E</b>
	)	
<b>V.</b>	)	<b>Judge Sean J. McLaughlin</b>
	)	<b>Mag. Judge Susan Paradise Baxter</b>
<b>Superintendent RAYMOND J. SOBINA;</b>	)	
<b>UNIT MANAGER McNELIS; UNIT</b>	)	
<b>COUNSELOR HUGHES; C.O.</b>	)	
<b>TROJAN; UNIT MANAGER</b>	)	
<b>MAILMAN; C.O. HECKMAN; UNIT</b>	)	
<b>COUNSELOR HERDMAN; SGT.</b>	)	
<b>CASTINA; MEMBERS OF THE PRC;</b>	)	
<b>HEARING EXAMINER CROSS; MARY</b>	)	
<b>ANN BERTOLINO; LT. STEVE</b>	)	
<b>SIMOSKO; C.O. MUNION; C.O.</b>	)	
<b>PRINCE a/k/a Pritts; C.O. CHAPLEY;</b>	)	
<b>C.O. FEY; C.O. LUKE; C.O. HEISS;</b>	)	
<b>C.O. HUBER; C.O. KROMELL; SGT.</b>	)	
<b>STAYER; SGT. DELOSH; LT. T. J.</b>	)	
<b>WILSON; JOSEPH Grievance</b>	)	
<b>Coordinator; MOLLIGAN,</b>	)	<b>Electronically Filed</b>
	)	
<b>Defendants.</b>	)	

**MOTION TO DISMISS PLAINTIFF'S ORIGINAL COMPLAINT, FIRST  
AMENDED COMPLAINT, AND SECOND AMENDED COMPLAINT**  
Or in the Alternative  
**MOTION FOR MORE DEFINITE STATEMENT**

AND NOW, come the defendants, Superintendent Raymond J. Sobina, Unit Manager McNelis, Unit Counselor Hughes, C.O. Trojan, Unit Manager Mailman, C.O. Heckman, Unit Counselor Herdman, Sgt. Castina, Members of the PRC, Hearing Examiner Cross, Mary Ann Bertolino, Lt. Steve Simosko, C.O. Munion, C.O. Prince (a/k/a/ Pritts), C.O. Chapley, C.O. Fey, C.O. Luke, C.O. Heiss, C.O. Huber, C.O. Kromell, Sgt. Stayer, Sgt. Delosh, Lt. T. J. Wilson, Joseph Grievance Coordinator, and Molligan, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Kemal

Alexander Mericli, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully move to dismiss the instant complaint for the following reasons:

1. Plaintiff failed to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. Rule 12(b)(6).
2. Plaintiff is subject to the “three strikes” rule, pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §1915(g).
3. Plaintiff has failed to adequately serve the defendants, pursuant to Fed.R.Civ.P. Rule 4.
4. Plaintiff has failed to comply with the pleading requirements of Fed.R.Civ.P. Rule 8.
5. In the alternative, Plaintiff should be ordered to file a More Definite Statement, pursuant to Fed.R.Civ.P. Rule 12(e).
6. A brief in support is incorporated by reference.

Respectfully submitted,

**Thomas W. Corbett, Jr.**  
Attorney General

BY: /s/ Kemal Alexander Mericli  
KEMAL ALEXANDER MERICLI  
Senior Deputy Attorney General  
PA I.D. No. 27703

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SUSAN J. FORNEY  
Chief Deputy Attorney General  
Chief, Litigation Section

Date: October 14, 2005